

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CASEY A. FOSTER

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security

Defendant.

CASE NO. C11-6070 RJB

ORDER ADOPTING REPORT AND
RECOMMENDATION AFFIRMING
COMMISSIONER'S DECISION
DENYING BENEFITS

This matter comes before the Court on the Report and Recommendation of the U.S. Magistrate Judge Karen L. Strombom, recommending that the Court affirm the decision of the Social Security Administration that denied Plaintiff's application for disability insurance benefits. Dkt. 18. The Plaintiff has not filed objections to the Report and Recommendation.

The Court must uphold a decision of Defendant based on substantial evidence and free of legal error. *Burch v. Barnhart*, 400 F.3d 676, 679 (9th Cir. 2005); 42 U.S.C. § 405(g). The Court need only make a de novo determination of the portions of Magistrate Judge Strombom's Report and Recommendation to which Plaintiff makes objections. 28 U.S.C. § 636(b)(1).

ORDER ADOPTING REPORT AND
RECOMMENDATION AFFIRMING
COMMISSIONER'S DECISION DENYING
BENEFITS- 1

1 The Court, having reviewed Plaintiff's complaint, the Report and Recommendation of
2 Judge Karen L. Strombom, United States Magistrate Judge, and the remaining record, does
3 hereby find and **ORDER**:

- 4 1. The Court adopts the Report and Recommendation;
- 5 2. The administrative decision is **AFFIRMED**;
- 6 3. The Clerk is directed to send copies of this Order to Plaintiff's counsel,
7 Defendant's counsel and Magistrate Judge Karen L. Strombom.

8 Dated this 19th day of November, 2012.

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11 ROBERT J. BRYAN
12 United States District Judge
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